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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,104	03/26/2004	Jerald C. Seelig	619.807	9225

21707 7590 11/27/2006

IAN F. BURNS & ASSOCIATES
P.O. BOX 71115
RENO, NV 89570

EXAMINER
TORIMIRO, ADETOKUNBO OLUSEGUN

ART UNIT	PAPER NUMBER
3709	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/811,104	SEELIG ET AL.	
	Examiner	Art Unit	
	Adetokunbo O. Torimiro	3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/08/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **ref. no. 27, fig.4**.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is not within the range of 50 to 150 words. The abstract contains 163 words, which is greater than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lupo (US 2002/0111204).

Re claim 1: Lupo discloses a gaming device comprising at least one three-dimensional figure (1), the at least one three-dimensional figure comprising a plurality of three-dimensional sections (2), the plurality of three-dimensional sections (2) having a height, a width, and a depth, at least one of the plurality of three-dimensional sections being moveable relative / *mutable* **(par. [0030])** to the other sections, the moveable three-dimensional section comprising a plurality of three-dimensional fractional images (2a), the moveable three-dimensional section being positionable to allow a player (21) view the plurality of three-dimensional fractional images by moving the moveable three-dimensional section **(see par. [0026], lines 6-8)**, wherein when the moveable three-dimensional section is in at least one position, the plurality of three-dimensional sections form at least one whole, integrated three-dimensional image (1); at least one actuator /

cursor (5) attached to the moveable three-dimensional section, the at least one actuator (5) configured to move the moveable three-dimensional section; and at least one controller / *input devices* (11-16) in communication with the at least one actuator, the at least one controller being configured to cause the at least one actuator to move the moveable three-dimensional section **(see fig 2; par. [0022], lines 1-4; par. [0030], line 14-16)**.

Re claim 2: Lupo discloses the gaming device wherein the plurality of three-dimensional sections (2) are positioned around a common axis **(see figs. 2 and 3). It is inherent that for the Tic-Tac-Toe game as shown in this figs. 2 and 3, that the plurality of three-dimensional sections is positioned around common axis.**

Re claim 3: Lupo discloses the gaming device wherein the common axis is substantially vertical. **(see figs. 2 and 3). Examiner chooses the vertical axis has the common axis for the Tic-Tac-Toe game in figs. 2 and 3.**

Re claim 4: Lupo discloses the gaming device wherein at least two of the plurality of three-dimensional sections are moveable about the common axis **(see par. [0034], line 1-14)**, each of the at least two moveable sections (2) being attached to the at least one actuator (5) in communication with the at least one controller **(see fig 2; par. [0030], line 14-16)**.

Re claim 5: Lupo discloses the gaming device wherein each of the at least two moveable three-dimensional sections comprise three-fractional images that may when properly aligned, form three whole integrated three-dimensional images **(see par. [0035], lines 1-5). It is inherent that for a three-dimensional Tic-Tac-Toe game, n amount fractional images can be formed, which when properly aligned forms n amount of whole integrated images.**

Re claim 6: Lupo discloses the gaming device wherein the moveable three-dimensional section comprises n fractional images that may, when properly aligned, form n whole integrated images, where n is an integer **(see par. [0035], lines 1-5). It is inherent that for a three-dimensional Tic-Tac-Toe game, n amount fractional images can be formed, which when properly aligned forms n amount of whole integrated images.**

Re claim 13: Lupo discloses the gaming device wherein moving the moveable three-dimensional section changes the orientation of the plurality of fractional images thereon **(see par. [0026], lines 6-9)**.

Re claim 14: Lupo discloses the gaming device further comprising a sensor / *game play software* in communication with the at least one controller, the sensor / *game play software* configured to detect the position of the moveable three-dimensional section **(see par. [0044], lines 1-6; par. [0046], lines 1-2)**

6. Claims 16-19, 21-23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaplan (US 5,413,342).

Re claim 16: Kaplan discloses a method of playing a game comprising allowing a player to place a wager on a game of chance **(see col.4, lines 14-17)**, moving at least a first moveable three-dimensional section comprising a plurality of fractional three-dimensional images **(see col.3, lines 1-6)**, randomly determining an outcome of the game of chance **(see col.3, lines 57-59)**, selecting at least one of the plurality of fractional three-dimensional images to at least partially convey the outcome of the game of chance to the player **(see col.3, lines 60-65)**, positioning the selected fractional three-dimensional image next to at least a second fractional image so that the player may see the selected fractional three-dimensional image **(see col.5, lines 14-21)**, and awarding the player a prize if the selected fractional image and the at least a second fractional image form a predefined unitary / *same* image **(see col.4, lines 18-21)**.

Re claim 17: Kaplan discloses the method wherein the step of moving comprises rotating the at least a first moveable three-dimensional section about a rotational axis **(see col.4, lines 36-44)**.

Re claim 18: Kaplan discloses the method wherein the rotational axis is vertical **(see col.4, lines 36-44)**.

Re claim 19: Kaplan discloses the method further comprising moving a plurality of moveable three-dimensional sections relative to each other, each of the plurality of moveable three-dimensional sections comprising n fractional images that when properly aligned, may form n predefined unitary images **(see col.3, lines 1-3)**, and awarding a partial prize based on the number of correctly aligned n fractional images **(see fig. 4a-4f; col.2, lines 56-59). It is an inherent feature of the slot machine to form a predetermined unitary image when fractional images comprised on it are properly aligned**.

Re claim 21: Kaplan discloses a gaming device comprising a plurality of three-dimensional section means, at least one of the plurality of three-dimensional section means being moveable relative to the other three-dimensional section means, the moveable means comprising a plurality of fractional image means for communicating a game outcome, wherein when the moveable three-dimensional section means is in at least one position, the plurality of three-dimensional section means form a unitary predefined three-dimensional image **(see col.3, lines 1-6)**, positioning means (14) for moving the moveable three-dimensional section means **(see fig. 3; col.2, lines 50-51),** and controller means (4,17) in communication with the positioning means, the controller means configured to cause the positioning means to move the moveable three-dimensional section means **(see fig. 3 and 6; col.2, lines 44-45 and lines 53-55). It is an inherent for a plurality of three-dimensional sections to form a unitary three-dimensional image**.

Re claim 22: Kaplan discloses the gaming device further comprising a sensor means / *computer* for determining the position of the moveable three-dimensional section means and communicating the position to the controller means (17) **(see col.4, lines 2-5)**.

Re claim 23: Kaplan discloses the gaming device further comprising a gaming means for accepting a wager from a player and presenting the player with a game **(see col.4, lines 14-17)**.

Re claim 25: Kaplan discloses the gaming device wherein the moveable three-dimensional section means is rotatable about a vertical axis **(see col.4, lines 36-44)**.

Re claim 26: Kaplan discloses the gaming device wherein the rotational axis is substantially horizontally positioned **(see col.4, lines 36-44)**.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupo (US 2002/0111204) in view of Nakamura (US 5,580,308). The teachings of Lupo have been discussed above.

Lupo teaches a three-dimensional image alignment gaming device and method.

However, Lupo fails to teach the gaming device wherein the at least one whole, integrated three-dimensional image comprises an image of an animal and a human.

Nakamura teaches this gaming device wherein the at least one whole image comprises and image of an animal / human **(see col.15, lines 43-44)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the image on the at least one whole integrated three-dimensional figure with an animal / human so as to make the game provide variety and enjoyment to the game player.

9. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupo (US 2002/0111204) in view of Inoue (US 5,722,891). The teachings of Lupo have been discussed above.

Lupo teaches a three-dimensional image alignment gaming device and method with randomly determined outcome.

However, Lupo fails to teach the gaming device further comprising a gaming apparatus configured to allow the player place a wager and play a game of chance, and wherein the at least one three-dimensional figure is associated with a bonus game.

Inoue teaches this gaming device further comprising a gaming apparatus (7) configured to allow the player to place a wager **(see fig.1; col.5, lines 37-39)**, and wherein the at least one three-dimensional figure is associated with a bonus game **(see col.2, lines 21-23)**.

Therefore in view of Inoue, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a gaming apparatus to allow the player to place a wager and to make the three-dimensional figure to be associated with a bonus game so that the gaming device can attract players and heighten their interest in playing the game.

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupo (US 2002/0111204) in view of Holmes, Jr. (US 5,720,662). The teachings of Lupo have been discussed above.

Lupo teaches a three-dimensional image alignment gaming device and method with randomly determined outcome.

However, Lupo fails to teach the gaming device wherein a prize / *payout* is awarded to the player when the plurality of three-dimensional sections are arranged such that the whole or partial integrated three-dimensional image is displayed to the player.

Holmes, Jr. teaches the gaming device wherein a whole or partial prize / *payout* is awarded to the player when the plurality of three-dimensional sections are arranged such that the whole or partial integrated three-dimensional image is displayed to the player **(see col.6, lines 39-44)**.

Therefore in view of Holmes, Jr., it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a whole or partial prize / *payout* to be awarded to the player when the plurality of three-dimensional sections are arranged such that the whole or partial integrated three-dimensional image is displayed to the so that the players can be more competitive and strive to play better in the game.

11. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lupo (US 2002/0111204) in view of Ikenaga (US 2003/0067113). The teachings of Lupo have been discussed above.

Lupo teaches a three-dimensional image alignment gaming device and method.

However, Lupo fails to teach the gaming device wherein the plurality of three-dimensional sections are made of plastic.

Ikenaga teaches this gaming device wherein the plurality of three-dimensional sections is made of plastic **(see claim 3)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the plurality of three-dimensional sections with the plurality of three-dimensional sections made of plastic so as to insure the smooth movement and flexibility of the plurality of three-dimensional sections.

12. Claims 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (US 5,413,342) in view of Inoue (US 5,722,891). The teachings of Kaplan have been discussed above.

Kaplan teaches a three-dimensional image alignment gaming device and method allowing the player to play a primary game of chance.

However, Kaplan fails to teach the gaming device wherein the at least one three-dimensional figure is associated with a bonus game.

Inoue teaches this gaming device wherein the at least one three-dimensional figure is associated with a bonus game **(see col.2, lines 21-23)**.

Therefore in view of Inoue, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the three-dimensional figure to be associated with a bonus game so that the gaming device can attract players and heighten their interest in playing the game.

13. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (US 5,413,342) in view of Nakamura (US 5,580,308). The teachings of Kaplan have been discussed above.

Kaplan teaches a three-dimensional image alignment gaming device and method.

However, Kaplan fails to teach the gaming device wherein the at least one whole, integrated three-dimensional image comprises an image of an animal and a human.

Nakamura teaches this gaming device wherein the at least one whole image comprises and image of an animal / human **(see col.15, lines 43-44)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the image on the at least one whole integrated three-dimensional

figure with an animal / human so as to make the game provide variety and enjoyment to the game player.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al discloses a gaming device for operating in a reverse payout mode and a method of operating it; Sines et al discloses a slot machine and methods of operation; Okada discloses a slot machine; Schlottmann discloses a payline curves on a gaming machine; Jarrett discloses a cabinet base for a slot machine; Heidel et al discloses a slot machine reel mounting assembly; Hartogh et al discloses a bill validation and change system for a slot machine; Hernandez discloses improvements introduced in slot machines.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AOT

KIM NGUYEN
PRIMARY EXAMINER